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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,969	01/05/2001	Evan S. Huang	2276-02	3976

26797 7590 01/14/2002

SILICON VALLEY PATENT AGENCY, INC.
7394 WILDFLOWER WAY
CUPERTINO, CA 95014

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

10

DATE MAILED: 01/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

TR

Advisory Action

Application No.
09/754,969

Applicant(s)
HUANG, Evan S.

Examiner
William L. Bashore

Art Unit
2176



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Dec 21, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

4. ☐ Applicant's reply has overcome the following rejection(s): _____
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: 0
Claim(s) objected to: 0
Claim(s) rejected: 1-42
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☐ Other: _____

STEPHEN S. HONG
PRIMARY EXAMINER

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Response To After Final Request For Reconsideration

1. Applicant argues on page 2 of the After Final Response (hereinafter the Response) that the invention discloses generating a structured document from an unstructured document, as opposed to Applicant's assertion that Borgendale merely teaches the reverse. The Examiner notes that the claimed limitations do not recite an unstructured document. Independent claim 1 recite "*creating the structured document from the metafile*", with said metafile including displayable objects and decorative attributes regarding said objects. Borgendale teaches creation of a structured document subsequent to a user's document editing via a document construction module. Applicant's claims are not commensurate in scope with Applicants arguments, because the claims do not recite document creation from an unstructured document to a structured document, therefore, Borgendale's alleged "*order*" is irrelevant. An unstructured document is neither claimed, nor defined in the claims. It is to be additionally noted that Netscape Navigator (which incorporates a DTD, ie. HTML 3.2, etc.) will accept any text file (.txt) and convert said file to HTML 3.2 form for browser display. The "reveal codes" (a form of metafile) associated with a simple text file can be displayed in WordPerfect 6.1 via macro F11.

Applicant's arguments on pages 3-4 are substantially directed towards a misunderstanding of the definition of a metafile. Applicant claims a metafile as including displayable objects, as well as respective decoration attributes. The "Defined Element Look Table" of Borgendale Figures 19-21 are interpreted as being reflective of metafiles, which describe a file, with said Look Table incorporating displayable objects and decoration attributes. Borgendale uses said Look Table in association with a document construction module. It is also noted that Fuji-Xerox teaches structured editing displayed as a table using a document type definition.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on **(703) 308-5186**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-3900**.

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
01/11/2002